

ASSEMBLY BILL

No. 1571

**Introduced by Committee on Veterans Affairs (Salas (Chair), Lieu,
V. Manuel Perez, Saldana, and Yamada)**

March 16, 2009

An act to amend Sections 5846, 5847, and 5848 of the Welfare and Institutions Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1571, as introduced, Committee on Veterans Affairs. Veterans mental health: county plans.

Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act may be amended by the Legislature only by a $\frac{2}{3}$ vote of both houses and only so long as the amendment is consistent with and furthers the intent of the act. The Legislature may clarify procedures and terms of the act by majority vote.

Existing law requires each county mental health program to prepare and submit a 3-year plan to be updated at least annually and approved by the department after review and comment by the Mental Health Services Oversight and Accountability Commission. Existing law requires the plan to be developed with specified local stakeholders.

This bill would require the local stakeholder planning group to include a representative from a legitimate veterans organization and would require the plan to specifically include recognition of the mental health needs of veterans and how those needs are, or are not, being met. The bill would prohibit the department from approving a county plan that did not have verifiable representation by a legitimate veterans organization in the planning process or if the plan does not address the specific mental health issues of veterans and how the plan will, or will not, address those issues.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5846 of the Welfare and Institutions Code
2 is amended to read:

3 5846. (a) The commission shall annually review and approve
4 each county mental health program for expenditures pursuant to
5 Part 3.2 (commencing with Section 5830), for innovative programs
6 and Part 3.6 (commencing with Section 5840), for prevention and
7 early intervention.

8 (b) The department may provide technical assistance to any
9 county mental health plan as needed to address concerns or
10 recommendations of the commission or when local programs could
11 benefit from technical assistance for improvement of their plans
12 submitted pursuant to Section 5847.

13 (c) The commission shall ensure that the perspective and
14 participation of members and others suffering from severe mental
15 illness and their family members is a significant factor in all of its
16 decisions and recommendations.

17 (d) *The department shall not approve a plan unless it does both*
18 *of the following:*

19 (1) *Include, verifiable representation from a legitimate veterans*
20 *group in the stakeholder planning process required pursuant to*
21 *Section 5848.*

22 (2) *Include, a section that addresses the specific mental health*
23 *issues of veterans and how the plan will, or will not, address those*
24 *issues.*

25 SEC. 2. Section 5847 of the Welfare and Institutions Code is
26 amended to read:

1 5847. Integrated Plans for Prevention, Innovation and System
2 of Care Services.

3 (a) Each county mental health program shall prepare and submit
4 a three-year plan which shall be updated at least annually and
5 approved by the department after review and comment by the
6 Mental Health Services Oversight and Accountability Commission.

7 The plan and update shall include all of the following:

8 (1) A program for prevention and early intervention in
9 accordance with Part 3.6 (commencing with Section 5840)~~of this~~
10 ~~division.~~

11 (2) A program for services to children in accordance with Part
12 4 (commencing with Section 5850) of this division, to include a
13 program pursuant to Chapter 4 (commencing with Section 18250)
14 of Part 6 of Division 9 or provide substantial evidence that it is
15 not feasible to establish a wraparound program in that county.

16 (3) A program for services to adults and seniors in accordance
17 with Part 3 (commencing with Section 5800)~~of this division,~~
18 *including a separate section specifically addressing the mental*
19 *health needs of veterans.*

20 (4) A program for innovations in accordance with Part 3.2
21 (commencing with Section 5830)~~of this division.~~

22 (5) A program for technological needs and capital facilities
23 needed to provide services pursuant to Part 3 (commencing with
24 Section 5800), Part 3.6 (commencing with Section 5840), and Part
25 4 (commencing with Section 5850)~~of this division.~~ All plans for
26 proposed facilities with restrictive settings shall demonstrate that
27 the needs of the people to be served cannot be met in a less
28 restrictive or more integrated setting.

29 (6) Identification of shortages in personnel to provide services
30 pursuant to the above programs and the additional assistance
31 needed from the education and training programs established
32 pursuant to Part 3.1 (commencing with Section 5820)~~of this~~
33 ~~division.~~

34 (7) Establishment and maintenance of a prudent reserve to
35 ensure the county program will continue to be able to serve
36 children, adults, and seniors that it is currently serving pursuant
37 to Part 3 (commencing with Section 5800) and Part 4 (commencing
38 with Section 5850) of this division, during years in which revenues
39 for the Mental Health Services Fund are below recent averages

1 adjusted by changes in the state population and the California
2 Consumer Price Index.

3 (b) The department's review and approval of the programs
4 specified in paragraphs (1) and (4) of subdivision (a) shall be
5 limited to ensuring the consistency of such programs with the other
6 portions of the plan and providing review and comment to the
7 Mental Health Services Oversight and Accountability Commission.

8 (c) The programs established pursuant to paragraphs (2) and
9 (3) of subdivision (a) shall include services to address the needs
10 of transition age youth ages 16 to 25.

11 (d) Each year the State Department of Mental Health shall
12 inform counties of the amounts of funds available for services to
13 children pursuant to Part 4 (commencing with Section 5850) ~~of~~
14 ~~this division~~, and to adults and seniors pursuant to Part 3
15 (commencing with Section 5800) ~~of this division~~. Each county
16 mental health program shall prepare expenditure plans pursuant
17 to Part 3 (commencing with Section 5800), and Part 4
18 (commencing with Section 5850) ~~of this division~~, and updates to
19 the plans developed pursuant to this section. Each expenditure
20 update shall indicate the number of children, adults, *including*
21 *veterans*, and seniors to be served pursuant to Part 3 (commencing
22 with Section 5800), and Part 4 (commencing with Section 5850)
23 ~~of this division~~, and the cost per person. The expenditure update
24 shall include utilization of unspent funds allocated in the previous
25 year and the proposed expenditure for the same purpose.

26 (e) The department shall evaluate each proposed expenditure
27 plan and determine the extent to which each county has the capacity
28 to serve the proposed number of children, adults, and seniors
29 pursuant to Part 3 (commencing with Section 5800), and Part 4
30 (commencing with Section 5850) ~~of this division~~; the extent to
31 which there is an unmet need to serve that number of children,
32 adults, and seniors; and determine the amount of available funds;
33 and provide each county with an allocation from the funds
34 available. The department shall give greater weight for a county
35 or a population which has been significantly underserved for
36 several years.

37 (f) A county mental health program shall include an allocation
38 of funds from a reserve established pursuant to paragraph (6) of
39 subdivision (a) for services pursuant to paragraphs (2) and (3) of
40 subdivision (a) in years in which the allocation of funds for services

1 pursuant to subdivision (c) are not adequate to continue to serve
2 the same number of individuals as the county had been serving in
3 the previous fiscal year.

4 SEC. 3. Section 5848 of the Welfare and Institutions Code is
5 amended to read:

6 5848. (a) Each plan and update shall be developed with local
7 stakeholders, including adults and seniors with severe mental
8 illness, families of children, adults, and seniors with severe mental
9 illness, providers of services, law enforcement agencies, education,
10 social services agencies, *representatives from a legitimate veterans*
11 *organization*, and other important interests. A draft plan and update
12 shall be prepared and circulated for review and comment for at
13 least 30 days to representatives of stakeholder interests and any
14 interested party who has requested a copy of ~~such~~ *the draft* plans.

15 (b) The mental health board established pursuant to Section
16 5604 shall conduct a public hearing on the draft plan and annual
17 updates at the close of the 30-day comment period required by
18 subdivision (a). Each adopted plan and update shall include any
19 substantive written recommendations for revisions. The adopted
20 plan or update shall summarize and analyze the recommended
21 revisions. The mental health board shall review the adopted plan
22 or update and make recommendations to the county mental health
23 department for revisions.

24 (c) The department shall establish requirements for the content
25 of the plans. The plans shall include reports on the achievement
26 of performance outcomes for services pursuant to Part 3
27 (commencing with Section 5800), Part 3.6 (commencing with
28 Section 5840), and Part 4 (commencing with Section 5850) ~~of this~~
29 ~~division~~ funded by the Mental Health Services Fund and
30 established by the department *and shall specifically include*
31 *recognition of the mental health needs of veterans and how those*
32 *needs are, or are not, being met.*

33 (d) Mental health services provided pursuant to Part 3
34 (commencing with Section 5800), and Part 4 (commencing with
35 Section 5850) ~~of this division~~, shall be included in the review of
36 program performance by the California Mental Health Planning
37 Council required by paragraph (2) of subdivision (c) of Section
38 5772 and in the local mental health board's review and comment

- 1 on the performance outcome data required by paragraph (7) of
- 2 subdivision (a) of Section 5604.2.

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